

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 1446, Page 18, Line 21 1/2, as follows:

By inserting new SECTIONS 8, 9, and 10 as attached and renumbering subsequent sections.

Submitted by:

Senator Shortey

Shortey-MD-FA2-HB1446
4/13/2011 5:33 PM

[Insert attachment]

1 "SECTION 1. AMENDATORY 22 O.S. 2001, Section 196, is amended to read as
2 follows:

3 Section 196. A peace officer may, without a warrant, arrest a person:

- 4 1. For a public offense, committed or attempted in the officer's presence;
- 5 2. When the person arrested has committed a felony, although not in the officer's presence;
- 6 3. When a felony has in fact been committed, and the officer has reasonable cause to believe
7 the person arrested to have committed it;
- 8 4. On a charge, made upon reasonable cause, of the commission of a felony by the party
9 arrested;

1 5. When the officer has probable cause to believe that the party was driving or in actual
2 physical control of a motor vehicle involved in an accident upon the public highways, streets or
3 turnpikes and was under the influence of alcohol or intoxicating liquor or who was under the
4 influence of any substance included in the Uniform Controlled Dangerous Substances Act, ~~Sections~~
5 ~~2-101 et seq. of Title 63 of the Oklahoma Statutes;~~

6 6. Anywhere, including a place of residence of the person, if the peace officer has probable
7 cause to believe the person within the preceding seventy-two (72) hours has committed an act of
8 domestic abuse as defined by Section 60.1 of this title, although the assault did not take place in the
9 presence of the peace officer. A peace officer may not arrest a person pursuant to this section
10 without first observing a recent physical injury to, or an impairment of the physical condition of, the
11 alleged victim;

12 7. When a peace officer, in accordance with the provisions of Section 60.9 of this title, is
13 acting on a violation of a protective order offense; ~~or~~

14 8. When the officer has probable cause to believe that the person has threatened another
15 person as defined in subsection B of Section ~~44 1378~~ of ~~this act~~ Title 21 of the Oklahoma Statutes;
16 or

17 9. When the officer has probable cause to believe that the person is an alien who:

18 a. is subject to:

19 (1) a removal order issued by an immigration court, or

20 (2) a detainer or notice of action issued by the United States Department of
21 Homeland Security,

22 b. has been indicted for or convicted in any state of one (1) or more aggravated
23 felonies as defined in 8 U.S.C. 1101(a)(43), or

24 c. has willfully failed to register with the federal government under 8 U.S.C. 1301
25 et seq.

1 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes
2 as Section 210.4 of Title 22, unless there is created a duplication in numbering, reads as follows:

3 An individual whose immigration status is being verified by a law enforcement officer
4 pursuant to Section 6 of this act is presumed not to be an alien who is unlawfully present in the
5 United States if the individual provides one or more of the following to the law enforcement officer:

- 6 1. A valid Oklahoma driver license;
- 7 2. A valid Oklahoma identification card;
- 8 3. A valid tribal enrollment card or other form of identification issued by a federally
9 recognized Indian tribe that bears a photographic image of the holder;
- 10 4. Any valid identification document issued by a federal, state, or local government, if:
 - 11 a. the document bears a photographic image of the holder, and
 - 12 b. the issuing entity requires proof of legal presence in the United States as a
13 condition for issuance; or
- 14 5. A valid Oklahoma permit for carrying a concealed weapon issued pursuant to the
15 Oklahoma Self-Defense Act.

16 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes
17 as Section 210.5 of Title 22, unless there is created a duplication in numbering, reads as follows:

18 A. If any person who is a legal resident of this state believes that a law enforcement agency or
19 any governmental body has adopted or implemented a policy or practice that limits or restricts the
20 enforcement of federal immigration laws in violation of this act, that person may bring an action in
21 the appropriate court for declaratory and injunctive relief against the law enforcement agency or
22 governmental body.

23 B. If a court finds that a governmental body knowingly or intentionally violated Section 2 of
24 this act or a law enforcement agency knowingly or intentionally failed to comply with Section 6 of
25 this act, the court shall enjoin the law enforcement agency or political subdivision from engaging in

1 or encouraging policies, practices, or acts that limit or restrict the enforcement of federal
2 immigration laws in violation of this act.

3 C. The court may award costs and reasonable attorney fees to any plaintiff who prevails in an
4 action under this act.

5 D. If a law enforcement officer is a party to an action under this act, the law enforcement
6 agency with whom the law enforcement officer is employed shall indemnify the law enforcement
7 officer for all reasonable costs and expenses, including attorney fees, incurred by the law
8 enforcement officer in connection with the action unless the law enforcement officer is found to
9 have acted in bad faith.”

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